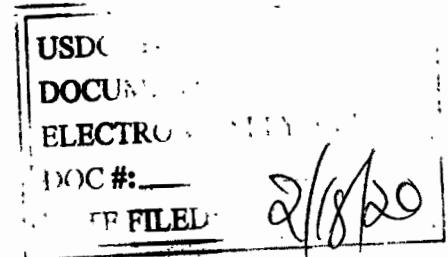


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February 12, 2020

Hon. Jed S. Rakoff  
United States District Judge  
Southern District of New York  
500 Pearl St.  
New York, NY 10007-1312

**MEMO ENDORSED**

Re: Supervision in SDNY– US v. Steven Pastore -- 15cr491

Dear Judge Rakoff:

Along with Larry Silverman, I represent Steven Pastore, a defendant in this case, that was previously before then-Judge Forrest. An appeal from the sentence is pending in the Second Circuit (18-2482).

Mr. Pastore is scheduled to be released to halfway house/ home detention on April 2, I believe (though the dates may not be firm yet). The issue is whether – though he resides in Staten Island, and hopefully will be sent home after arriving at the halfway house – he can be supervised by the Southern District of New York, which would be easier to get to when necessary.

At Mr. Pastore's sentencing in 2018, then-Judge Forrest stated that she would approve the request for supervision in the Southern District, and stated in the judgment: "To the extent possible, the defendant shall be supervised in the Southern District of New York." I attach the relevant portions of the sentencing transcript.

Now that Mr. Pastore is scheduled for halfway house/home detention, the issue is: to whom does he report, Southern District or Eastern District. I phoned the Eastern District Probation Office, and was told that there is no Officer assigned yet. He agreed that, for clarity, I would ask Your Honor to "so order" Southern District supervision. (I think that such an order will have to be transmitted to the BOP and to Probation, so that a specific release plan can be established.)

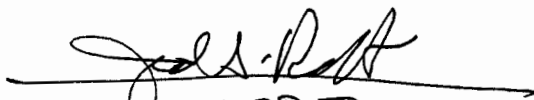
I therefore ask Your Honor to so order this request for Southern District supervision.

Very truly yours,

/s/

Vivian Shevitz

→ SO ORDERED

  
USDJ  
2-14-20

I887PASS

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

15 Cr. 491 (KBF)

5 STEVEN PASTORE,

6 Defendant.

7 -----x  
New York, N.Y.  
8 August 8, 2018  
9 10:00 a.m.

10 Before:

11 HON. KATHERINE B. FORREST  
12 District Judge

13 APPEARANCES

14 GEOFFREY S. BERMAN

United States Attorney for the  
15 Southern District of New York

16 BY: JORDAN ESTES

Assistant United States Attorney

17 VIVIAN SHEVITZ

LARRY SILVERMAN (of counsel)  
18 Attorneys for Defendant

19 ALSO PRESENT: Kevin Reardon, F.B.I.  
Angelo Lamonte, Nassau County Police  
20 Hannah Harney, paralegal  
21  
22  
23  
24  
25

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1 fine. I simply state that fact so that when people are  
2 reviewing this record for purposes of any appeal of the  
3 forfeiture amount, that they understand that there had been a  
4 waiver of the fine appeal of up to \$95,000, and I am not  
5 imposing a separate fine.

6 There is not going to be I don't think any restitution  
7 sought. Am I correct, Ms. Estes?

8 MS. ESTES: That's correct.

9 THE COURT: All right. And there are property and  
10 proceeds traceable to the offense. The statutory factors under  
11 18 U.S.C. 1963 are met, and the forfeiture amount will be in  
12 the amount of \$125,000, the conditions and payment conditions  
13 of which will be submitted to the Court in an order by the U.S.  
14 Attorney's office within 90 days.

15 Can you do that, Ms. Estes?

16 MS. ESTES: Yes, your Honor.

17 THE COURT: All right. Is there any legal or other  
18 reason why sentence should not be imposed as stated?

19 MS. ESTES: No, your Honor.

20 MS. SHEVITZ: Well, just with regard to the period of  
21 supervised release, Mr. Pastore asked that it be in the  
22 Southern District. It's just easier for him to get here than  
23 in the Eastern District.

24 THE COURT: His residence is in the Eastern District?

25 MS. SHEVITZ: His residence is in the Eastern

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1 District, but he would like to be supervised in the Southern  
2 District.

3 THE COURT: Why don't we do this. We will say he will  
4 be supervised in the Southern District unless a judge orders  
5 otherwise. Because there will be another judge who will take  
6 over his supervision. There may be a judge who doesn't want to  
7 supervise. Ultimately, a VOSR goes before a district judge in  
8 this court, and there may be a judge in this court who is not  
9 going to want to oversee it, so we'll see. But at this point  
10 in time I'm happy to make that recommendation.

11 MS. SHEVITZ: OK. And voluntary surrender, we ask for  
12 that, a recommendation for Fort Dix camp, because it's close to  
13 the family.

14 THE COURT: Yes, Fort Dix, I will make a  
15 recommendation. As to whether it's the camp or otherwise, that  
16 will be up to the BOP, and they will have to assess all of the  
17 various facts and circumstances, but I will make a  
18 recommendation to Fort Dix to facilitate family involvement.

19 MS. SHEVITZ: And, finally, we want to ask for a delay  
20 of surrender. Among other things, Bobby is turning 21, and the  
21 transition to a new environment is going to occur. I hesitate  
22 to ask for this long, but I'd like to ask until the beginning  
23 of the year.

24 THE COURT: I will not delay surrender for more than  
25 six weeks.